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14. ABSTRACT

Like global corporations, today's terrorists are inextricably linked across borders and around the world. Terrorists can operate as easily around the block as they can around the globe. To better enable the employment of Special Operations Forces to effectively combat the transnational terrorist threat, new command and control architectures and authorities must transcend the current boundaries of Combatant commands and international borders to allow SOF the operational freedom of maneuver against an enemy not bound by traditional limitations.

This paper examines the current command and control architectures in place since the late 1980s and predicated on the paradigm of the Cold War and nation-state adversary. It then outlines the nature of the enemy's current method of operations and identifies the obstacles inherent to the legacy system that limit operations against that threat. Finally it identifies proposed changes to C2 relationships and authorities that will better enhance operational flexibility for the special operator.

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NAVAL WAR COLLEGE
Newport, RI

OPERATEURS SANS FRONTIERS:
(OPERATORS WITHOUT BORDERS)

SOF'S ANSWER TO THE TRANSNATIONAL TERRORIST THREAT

By

Keith A. Pellegrini
Major, U.S. Army

A paper submitted to the faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____*original signed*_____

(14 February 2005)

Abstract

Like global corporations, today's terrorists are inextricably linked across borders and around the world. Terrorists can operate as easily around the block as they can around the globe. To better enable the employment of Special Operations Forces to effectively combat the transnational terrorist threat, new command and control architectures and authorities must transcend the current boundaries of Combatant commands and international borders to allow SOF the operational freedom of maneuver against an enemy not bound by traditional limitations.

This paper examines the current command and control architectures in place since the late 1980s and predicated on the paradigm of the Cold War and nation-state adversary. It then outlines the nature of the enemy's current method of operations and identifies the obstacles inherent to the legacy system that limit operations against that threat. Finally it identifies proposed changes to the C2 relationships and authorities that will better enhance operational flexibility for the special operator.

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INTRODUCTION

Today the United States is facing an enemy unlike it has ever faced in its two hundred and twenty-nine year history. Since the attacks of September 11, 2001, Al Qaeda, the shadowy group of radical Islamic terrorists led by Usama Bin Laden, has become a household word. This once strictly hierarchical organization has been transformed into "a loose collection of regional networks that operate more autonomously."[1] Terrorism has entered the age of Globalism and by leveraging technology and the concept of "commander's intent" has been able to decentralize it operations. Operating along the seams of America's capabilities and authorities, Al Qaeda's leadership has been able to successfully evade capture and continue its campaign against the West. In light of the new nature of the threat, new authorities and command and control relationships need to be examined for Special Operations Forces that allow for operational agility, freedom of maneuver, audacity and surprise. To better enable the global employment of Special Operations Forces (SOF) to effectively combat this transnational terrorist threat, these new command and control architectures and authorities must transcend the current boundaries of combatant commands, organizational biases and even international borders, to allow SOF the operational freedom of maneuver to find, fix and finish an enemy not bound by traditional limitations.

A SYSTEM BUILT FOR THE COLD WAR

The United States military's Unified Command Plan (UCP) system was developed following World War II and codified into law within the National Security Act of 1947. The

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[1] George J. Tenet, Director of Central Intelligence, Central Intelligence Agency, "Text of Address to U.S. Congress, Senate Select Committee on Intelligence, (as delivered)," The Worldwide Threat 2004: Challenges in a Changing Global Context, February 24, 2004, <http://www.cia.gov/cia/public affairs/speeches/2004/dci_ speech_02142004.html> [12 January 2005].

UCP "establishes the combatant commands, identifies geographic areas of responsibility, assigns primary tasks, defines authority of the commanders, establishes command relationships, and gives guidance on the exercise of combatant command."[2] It also stipulates that the Unified Combatant Commanders are responsible for overseeing all military operations in the region of responsibility no matter what service conducts the action.[3] Enclosure 1 depicts the current areas of responsibility for each geographic combatant commander.

The Goldwater-Nichols Defense Reorganization Act of 1986 sought to refine the authority of the respective combatant commanders, improve the functionality of the command structure and also codified the "joint" warfare concept. In particular, the act stipulated that command of U.S. forces ran from the President through the Secretary of Defense and then to the Combatant Commanders. In 1987, the Nunn-Cohen Amendment established the United States Special Operations Command (USSOCOM) as a separate, functional, unified command. At this stage, however USSOCOM was simply a force provider. It had the responsibility to man, train and equip forces for employment by the geographic combatant commanders, but no real authority to command forces operationally.

In the following years, the Department of Defense began to develop and implement not only joint doctrine, but also the global employment of Special Operations Forces. The first major test of this concept came at the close of the decade with Operation Just Cause, the invasion of Panama to depose Manuel Noriega in 1989. This action was followed closely by

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[2] "The Unified Command Plan," Department of Defense Introduction, 11 November 2002. <http://www.globalsecurity.org/military /agency/dod/unified-com.html> [10 January 2005].

[3] Susan Schmidt and Thomas E. Ricks, "Pentagon Plans Shift in War on Terror: Special Operations Command's Role to Grow with Covert Approach," The Washington Post, 18 September 2002, News/Wires, Lexis-Nexis, Dayton, OH: Lexis-Nexis, [12 January 2005].

Operation Desert Storm in 1991. Both of these events saw great leaps in the development

and implementation of joint doctrine as well as special operations. Faced with the end of the

Cold War, SOF continued to define its niche role in the DOD during the Clinton

Administration through a variety of Military Operations Other Than War (MOOTW).

Humanitarian Assistance and Peace Keeping in Haiti and Bosnia were events that proved to

mature not only SOF forces, but also the conventional commanders that would employ them.

Though special operations soldiers would often encounter difficulties working with

commanders who resented their unconventional approach to problem solving, great strides

were made in changing the post-Vietnam perception of Special Forces as 'cowboys'.

Nevertheless, not even the myriad of MOOTW deployments conducted by the United

States in the decade of the 1990s would adequately prepare the Department of Defense for

the challenges it would face post-September 11, 2001.

A RUTHLESS, IMPLACABLE ENEMY

Terrorism, especially perpetrated by radical Islamic militants, is not a new concept.

Even "international terrorism" can be evidenced as early as the 1970s. In 1972, three

members of the Japanese Red Army in cooperation with the Popular Front for the Liberation

of Palestine (PFLP) killed twenty-six and wounded seventy-six Christian pilgrims at the Lod

Airport in Tel Aviv[4]. In early 2003, the Colombian Police sought members of the Irish

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[4] Gayle Rivers, <u>The War Against the Terrorist: How to Win It</u>, (Briarcliff Manor, N.Y.: Stein and Day 1986), 90-91.

Republican Army and the Basque separatist group ETA in conjunction with a bombing in Bogotá that killed thirty-six people.[5]

In the post-9/11 period, the networking of terrorism has only increased in a globally-interconnected world enabled by the World Wide Web. In a study published by the U.S. Institute for Peace, researchers found eight categories of ways that terrorists utilize the internet including publicity, fundraising, recruitment and coordination. Investigators found thousands of emails on Abu Zubaida's computer in the weeks leading up to 9/11. Utilizing code words, encryption, free email accounts and public internet cafés, the key players were able to remain in the shadows and avoid detection.[6] The acts of 9/11 were not perpetrated by a group of mentally deranged religious zealots. Their acts were calculated, audacious, well-resourced and detailed. "The people who planned the attacks of 9/11 combined world-class evil with world-class genius to devastating effect."[7]

But even as U.S. successes have dealt Al Qaeda severe operational blows, its leaders have adapted to their new operational environment and "transformed the organization into a loose collection of regional networks that operate more autonomously."[8] "As the war on terrorism progresses, terrorists will be driven from their safe havens to seek new hideouts where they can undertake training, planning and staging… The prime candidates for [these]

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[5] "Colombia Seeks 6 ETA, IRA Members-Reports," 24 February 2003, Radio Telefís Éireann, <http://www.rte.ie/news/2003/0224/colombia.html> [28 January 2005].

[6] Gabriel Weimann, "How Modern Terrorism Uses the Internet," United States Institute of Peace Special Report 116, March 2004, <http://www.usip.org/pubs/specialreports/ sr116.html> [5 February 2005].

[7] "Colonel Pete" Former Special Operations Commander, "A Call to Arms," [photocopy of a presentation developed at Fort Bragg, NC in 2001], Author's personal library, Newport, R.I.

[8] Tenet, The Worldwide Threat 2004, 2.

new 'no man's lands' are remote, rugged regions where central governments have no consistent reach…"[9]

This proclivity to move to the fringes of geography, where central governments have no ability to control or impose the rule of law, was demonstrated after the liberation of Afghanistan. Once operating freely throughout the country, Al Qaeda's leadership retreated first to the rugged mountains above Tora Bora and Shahi Kot, and then further diffused, possibly across the vaguely indeterminate Durand Line and into the regions of the Northwest Frontier Province of Pakistan and the Federally Administered Tribal Areas (FATA). Once there, U.S. forces could not follow due to the political sensitivities of U.S. military action in Pakistan.

OBSTACLES TO SUCCESS

Within the current organizational framework of the Department of Defense and largely also, the U.S. government, there exist many obstacles to effectively targeting and eliminating globally inter-connected terrorists. Though some of these obstacles lie clearly outside the scope of this paper, within the context of the friendly and enemy situation I have previously outlined, I will now present the obstacles that limit our operational ability to effectively find, fix and finish terrorists. First, however I will address the topic of covert and clandestine operations as it pertains to military operations.

<u>Covert versus Clandestine Operations</u>

Too often, in the press and in military and governmental circles, the terms covert action, covert operation and clandestine operation are used interchangeably. It must be noted that there are critical differences in each term. Joint Publication 1-02 defines covert *operations* as:

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[9] Ibid., 18.

"An operation that is so planned and executed as to conceal the identity of or permit plausible denial by the sponsor. A covert operation differs from a clandestine operation in that emphasis is placed on concealment of identity of sponsor rather than on concealment of the operation."[10]

Other than as a point of reference this definition is essentially meaningless, because what is often meant when speaking of covert *operations* is covert *action,* which has very specific *legal* ramifications. Title 50, U.S. Code Section 413 b (e) defines covert *action* as

"an activity or activities of the United States Government to influence political, economic or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, *but does not include …traditional ….military activities or routine support to such activities."[11]* (Emphasis added by author)

Of particular note, and often obfuscating the situation, is the verbiage of Executive Order 12333, signed by President Reagan in 1981 whose definition of "special activities" mirrors the above definition of covert action. Executive Order 12333 stipulates that no agency except the CIA may conduct any special activity unless the President authorizes it through a written "finding". Later, however, it goes on to say that the U.S. military may also conduct special activities "during a time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers resolution."[12] Because the definitions are similar, some authors contend that "special activities" is a euphemism for "covert action" and treat them synonymously. Whether they are or not, is open to interpretation.[13]

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[10]Joint Chiefs of Staff, <u>Department of Defense Dictionary of Military and Associated Terms</u>, Joint Pub 1-02 Washington, DC: 24 November 2004, 132.

[11]"Covert Action" Defined, <u>U.S. Code</u>, Title 50, sec. 413b (e) (2002).

[12] Kathryn Stone, "'All Necessary Means'- Employing CIA Operatives in a War Fighting Role Alongside Special Operations Forces" Carlisle Barracks, PA.: U.S. Army War College (7 April 2003), 7.

[13] Ibid.

Joint Publication 1-02 defines *clandestine operations* as:

"An operation sponsored or conducted by governmental departments or agencies in such a way as to assure secrecy or concealment. A clandestine operation differs from a covert operation in that emphasis is placed on concealment of the *operation* rather than on concealment of the *identity* of the sponsor. In special operations, an activity may be both covert and clandestine and may focus equally on operational considerations and intelligence-related activities."[14]

The key distinction is that unlike covert operations or covert actions, there are no *additional* legal restrictions that govern clandestine operations other than those that pertain to most military operations.

Thus military forces, and particularly SOF, are completely within their purview to conduct *clandestine operations*, but what of *covert action*? Can only the CIA conduct covert action after the President issues a "finding"? Does military covert action require a finding? What is important to note is that the legal definition of covert action, as defined by the U.S. Code, despite its very specific verbiage, leaves room for interpretation of the phrase "traditional military activities." There is also room for interpretation within the tenets of applying the War Powers Resolution. What constitutes a "traditional military activity"? Are actions by SOF by their very nature "special" and therefore "non-traditional" or because that is their core-task, is it still considered "traditional"? Based on the particular <u>interpretation of the law</u>, this ambiguity could either enable or limit the use of a very valuable and capable tool in the President's toolbox.

<div align="center">Exploitable Seams</div>

The current COCOM structure that apportions geographic regions of the world under a single commander has obvious utility. By doing so it delineates specific responsibility for clearly defined terrain or battle space. Each commander knows how big his sandbox or pond

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[14] Joint Chiefs of Staff, <u>Department of Defense Dictionary of Military and Associated Terms</u>, Joint Pub 1-02 Washington, DC: 24 November 2004, 89.

is and what forces he controls therein. Nevertheless, because each geographic command has codified boundaries, it also inherently has seams between those boundaries. Within these seams lie challenges to effective counter-terrorist operations and thus potential for exploitation by terrorists.

While terrorists are able to freely transit from country to country, often crossing from countries within CENTOM's AOR to EUCOM's and then on to PACOM's, the amount of coordination necessary for a U.S. military unit, or even individual, to do the same, would be staggering. In fact, until recently, it would have been inconceivable.[15] In accordance with Title 10 of the U.S. Code, the President, through the Secretary of Defense must authorize all troop deployments outside the continental United States (CONUS). This is done through the execution a "Deployment Order" or DEPORD. DEPORDs, like all military orders, are very specific and stipulate the destination country or at a minimum the gaining combatant command and time frames for the "chopping" of control of the CONUS-based forces to the gaining regional commander. Though USAF and USN forces routinely transit commands enroute to their desired area of operations, their originating DEPORDs do not allow for indefinite operations in the "intermediate" command's AOR without amendment.

An example of such a quandary would be evident were SOF given the mission to conduct operations against a terrorist cell in southwestern Sudan and the individuals moved into Eastern Chad. These two countries border each other but are apportioned to EUCOM and CENTCOM respectively. Even absent the political and legal considerations of such cross-border action, the inordinate coordination necessary with regard to command relationships, and "rice-bowl" wrangling would likely slow approvals to a glacial rate.

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[15] I will address recent authority granted to USSOCOM for world-wide operations later in the paper.

"Right now there are 18 food chains, 20 levels of paperwork and 22 hoops we have to jump through before we can take action. Our enemy moves faster than that."[16]

<u>Hierarchical Command and Control Requirements</u>

Another major obstacle faced by SOF is that military is inherently hierarchical. Though this structure has irrefutable logic that is borne out by history, in the context of special operations, the flatter the organization, the more responsive and therefore more agile it is. Since most strategic military operations have significant geo-political collateral effects, they tend to be highly centralized and sometimes micro-managed with numerous layers of command and control to ensure proper "attention" is placed at each level. Consequently, they also become subject to scrutiny at the highest levels of government. Since Special Operations Forces tend to execute tactical operations that have larger strategic implications, this increases the potential for a SOF mission to have plenty of interested parties at all levels. Lessons unlearned from the Vietnam War which saw President Lyndon B. Johnson personally selecting targets for bombing by the USAF, did not appear to have changed much when it became known that Defense Secretary Les Aspin personally scrutinized (and subsequently denied) force requests from BG Garrison's Task Force Ranger in Somalia in 1993.[17]

Operation Enduring Freedom, the first combat action post-9/11, broke new ground in the application of Special Operations Forces on the battlefield. For the first time, Special Operations Forces were the main effort. Operating independently or alongside CIA officers and Northern Alliance units, SOF successfully operated without tether to large conventional

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[16] Thom Shanker and James Risen, "Rumsfeld Weighs New Covert Acts By Military Units," <u>The New York Times, Late Edition-Final</u>, 12 August 2002, News/Wires, Lexis-Nexis, Dayton, OH: Lexis-Nexis, [10 February 2005].

[17] Mark Bowden, <u>Black Hawk Down</u>, (New York: Atlantic Monthly Press 1999), 335.

forces. Nevertheless, the command and control architecture was still heavily layered. Enclosure 2 shows the overarching task organization of Operation Enduring Freedom in June 2002. Of particular note is that between Special Forces elements operating on the ground (An "A" detachment, for instance) and the Coalition Force Special Operations Component Commander, (RADM Calland) there existed at least two, and more often three, more levels of command. Not depicted in the slide are the units subordinate to each of the Joint Special Operations Task Forces, usually battalion and company-level Forward Operating Base (FOBs) and Advanced Operating Base (AOB) commanders. Each of these commanders had the authority to influence operations, as did the numerous echelons above.

Though leaders on the ground have cited examples of being granted significant latitude to conduct operations based on the situation at hand, as soon as major operations against the Taliban ceased, things quickly returned to the "status quo ante bellum" and once again the strict oversight of team movement and operations was re-established.[18]

Despite operating hundreds of miles from their next higher headquarters, teams were restricted from leaving their compounds without first developing a "CONOP" or concept of the operations statement. At best, a single Power Point slide, (often many more) the CONOP would detail the team's mission, timing, route, contacts, equipment, weaponry, communications and medical evacuation plans. Once developing the CONOP it would be sent via satellite radio to at least one, sometimes multiple echelons for approval. Depending on that command's operational tempo, (or OPTEMPO) approval could sometimes take *up to 48 hours!*[19]

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[18]"Major Will" [pseudo.], a Special Forces officer with extensive operational experience in Afghanistan, telephonic interview with author, 5 February 2005.

[19] Ibid.

This presented another problem. "How can you filter a plan through [numerous] G.O.s [General Officers] and expect it to maintain its same foundational integrity"?[20] Each level of approval would expose a concept to "tweaking" by "the good-idea fairy." Often, staff officers without any real on-the-ground experience would question part or all of a plan, returning it for revision before the ultimate approving authority considered it. It is important to note that this process was required whether a team was departing their compound to check out a suspected Taliban or Al Qaeda hideout, conduct a route reconnaissance or to simply drink tea with a local village elder. One of SOF's greatest weapons, its agility, was back to being stymied.[21]

RECOMMENDATIONS

The war against terrorists will require new and dynamic solutions. In May 2002, a report published by the National War College Student Task Force on Combating Terrorism recommended that the U.S. "acquire capabilities …to strike swiftly in minutes, rather than hours or days anywhere on the globe." But conceded that "this will require [the] acquisition of new capabilities."[22] Perhaps these voices in the wilderness were heard because in August 2002, the New York Times reported that Secretary Rumsfeld was considering granting SOF greater authorities to operate in concert with their CIA brethren. In June, 2003, Secretary Rumsfeld directed the commander of Special Operations Command to develop a plan that would emphasize rapid, low-visibility action against terrorists, and in January 2003, made the

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[20] "Colonel Pete" Former Special Operations Commander, telephonic interview with author, 23 March 04.

[21] "Major Will" interview with author, 5 February 2005.

[22] National War College Student Task Force on Combating Terrorism, Combating Terrorism in a Globalized World (Washington, D.C.: National War College, May 2002), 40.

unprecedented move of giving the United States Special Operations Command (USSOCOM) the lead role in the war against terrorists.[23]

No longer just a force provider, USSOCOM would be the *supported* command and have a global responsibility for tracking down and capturing or killing terrorists. This action represented a significant step forward, but more is necessary to maximize the effects of our nation's offensive counter-terrorist capability.

"There is no more lethal combination on the modern battlefield than that of CIA and [SOF]."[24] Though the successes of CIA / SOF cooperation in Afghanistan are widely published, they were largely ad hoc arrangements.[25] By establishing a mechanism that formalizes the command relationships between CIA officers and SOF operators in the field, the efficacy of both can be logarithmically increased. CIA officers have an intelligence collection capacity and legal authorities that far outweigh their counterparts in the Department of Defense. Conversely, DOD's offensive counter-terrorist capability inherent in certain SOF units is better resourced, trained and equipped than the CIA's relatively small Special Activities Division.[26] By introducing a formalized Memorandum of Understanding (MOU) between DOD and CIA that articulates specific command relationships, respective of statutory requirements and limitations, CIA and SOF synergy can be achieved. The combination would be far more capable than the sum of its parts.

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[23] Bradley Graham, "Revamp of Special Operations Planned," The Washington Post-Final Edition, 8 January 2003, News/Wires, Lexis-Nexis, Dayton, OH: Lexis-Nexis [10 February 2005].

[24] This passage is paraphrased from "Greg" [pseudo.], a CIA paramilitary officer with extensive experience working with SOF in Afghanistan and Iraq; from the author's interaction with the individual, July 2002 to January 2004.

[25] Thom Shanker and James Risen, "Rumsfeld Weighs New Covert Acts By Military Units."

[26] Stone, p. 10.

Precedent exists for formally combining these capabilities. DOD personnel were assigned to CIA-led operations during the Vietnam War, and at least one report references the "seconding" of select SOF personnel to the CIA during operations in Afghanistan.[27] The reverse relationship however is not so prevalent. This author has been unable to identify *any* instance where CIA forces were <u>formally commanded</u> by DOD elements. An MOU that establishes a phased Command and Control structure that enables the CIA to lead combined CIA/SOF elements in the early, intelligence-gathering phases and then transitions to DOD command during the strike phase could be the solution. Just as a "main effort" is transferred at specific times in a campaign, or as military units are commonly "chopped" to operational or tactical control (OPCON and TACON, respectively) the same concept can be applied to CIA and SOF units. Though Porter Goss' position on this is not yet known, former Director of Central Intelligence George Tenet was not opposed to finding such ways to "optimize each other's capabilities."[28] The recent successes of Operation Enduring Freedom and the continuing cooperation in Iraq <u>must be formalized</u> so that the reoccurring frictions associated with ad hoc relationships and the associated learning curves that occur therein can be obviated.

Finally, another framework that could better enable SOF to find, fix and finish terrorists would be the implementation of an enemy-focused or target-focused strategy. This framework would entail utilizing a strategy whereby select Special Operations Forces are given a specific personality to target, located *anywhere* in the world. They are then responsible for tracking him (or her) down and either capturing or killing him. This method was used with some degree of success by the Israelis following the 1972 Munich Olympics

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[27] Stone, 10.

[28] Thom Shanker and James Risen, "Rumsfeld Weighs New Covert Acts By Military Units."

attack when members of the Popular Front for the Liberation of Palestine (PFLP) killed

several Israeli athletes.[29] Though the Israelis execution of the strategy was flawed because

they inevitably killed an innocent man, lessons can be learned from the concept. As radical

as this method might appear, Secretary Rumsfeld has reportedly brought such a strategy up

for consideration.[30]

  A Pentagon advisory group known as the Defense Science Board has also proposed

establishing a "proactive, pre-emptive operating group" that would execute operations to

stimulate reactions by terrorists, allowing pre-emptive action by counter-terror forces.

Though the initial proposition noted that the force would be subordinate to the National

Security Council, no other specifics were given.[31]   Again, this revolutionary proposal

represents the application of dynamic and innovative thinking that leverages the potential for

rapid decision making through a flattened organizational command structure.

<div align="center">

POSSIBLE OBSTACLES

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  In her paper on integrating CIA and SOF, Colonel Kathryn Stone of the U.S. Army

War College states that there are several areas of potential conflict when these two often

disparate organizations work together on the battlefield. Stating that military forces are

bound by both U.S. and international law, while the CIA is not, she asserts that this gives the

CIA greater flexibility for action and warns that DOD forces must be careful not to overstep

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[29] Gordone Corera, "Special Operations Forces Take Care of War on Terror," Jane's Intelligence Review, 1 (January 2003): 42.

[30] Ibid.

[31] Ibid.

their bounds if operating in concert.[32] I would contend that though this may be true in fact, in practice, the same rules apply to all. To imply that just because CIA paramilitary forces are not *specifically* bound by the tenets of an international treaty to which the U.S. is a signatory, they are free to act in an extra-legal way is purely misleading. It is precisely this perception of the CIA being "above the law" that set the stage for the abuses allegedly condoned by officers at Abu Gharib prison. Even though the U.S. war against terrorism is being waged against a non-state actor, U.S. policy dictates that the military adhere to the Geneva and Hague Conventions and the laws of war.[33] In such a situation, the spirit of the law trumps the letter of the law and though not *specifically* obligated, CIA officers, I contend, should and would act accordingly.

Another potential obstacle to enhanced SOF agility is the argument regarding the legality of conducting military operations within the sovereign territory of other countries without the permission of the host country. Though there is plenty of legal basis for such action to be considered an act of war, this has not previously stopped the United States from acting militarily. Cruise missile strikes against suspected Al Qaeda-linked targets in Sudan and Afghanistan in 2000 as well as the strike against Ali Qaed Senyan al-Harthi in Yemen in 2002 are two such examples.[34] Some would argue that such action, even when taken under

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[32] Stone, p. 15.

[33] Stone, p. 16.

[34] David Johnston and David E. Sanger, "Yemen Killing Based on Rules Set Out By Bush," The New York Times-Final Edition, 6 November 20002, News/Wires, Lexis-Nexis, Dayton, OH: Lexis-Nexis [10 February 2005].

the auspices of Chapter 51 of the UN Charter, is still illegal.[35] An obvious, although

potentially unpopular answer might be: "So what?" Understanding that such action could

result in a degree of lost international legitimacy, one must recognize that national leadership

and governance is about making choices and balancing consequences. If the end-state value

of a selected military action outweighs the potential costs, then the decision is clear.

Countering terrorism is a high-stakes business and the risk-to-gain calculus, as it relates to

another catastrophic attack against America, must constantly be evaluated.

CONCLUSION

Terrorists with a global perspective paired with a global reach must be countered

accordingly. Though it is absolutely essential that the United States and her allies continue to

exercise options for countering terrorism encompassing all elements of national power, the

military must continue to actively seek out and target terrorists. This is not to imply that the

U.S. should adopt a policy of targeted killing as the government of Israel has been accused of

in recent years. The necessity of international legitimacy demands that the U.S. attempt, as

much as possible, to maintain the moral "high-ground" when fighting terrorists. The U.S.

focus must always be first on capturing the individual, if possible. This, however, increases

the degree of difficulty and risk to the operation. Finding a lone individual, unconstrained by

borders, policies or laws, in an urban sea of humanity or the vastness of a remote area,

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[35] "CIA Yemen Operation: Many See 'Assassination Without Jury, Judge,'" 18 November 2002, Library/News, <http://www.globalsecurity.org/intell/library/news/2002/intell-021118-wwwh21118.htm> [12 February 2005].

requires inordinate freedom to maneuver. Likewise, so does the development of predictive

human intelligence, a necessary precursor to any counter-terrorist operation.

In light of this ever-increasing threat to the United States and arguably, the world,

Special Operations Forces need new authorities and dynamic command and control

relationships that reduce the "sensor to shooter" timeline. By obviating organizational

inertias through mutually enabling MOUs that close potential seams in capacity, eliminate

hierarchies that become obstacles to agility, and revolutionize the way we think about

targeting those that target us, great strides can be achieved.   "We can win the GWOT

[Global War on Terror] if we revolutionize our thought process and optimize our capabilities

through [the application of] surgical combinations. This is only the beginning. Whoever is

best able to mix a potent and unique cocktail for the future banquet of war will be able to

wear the laurels of mission success!"[36] Our nation deserves nothing less.

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[36] "Colonel Pete" Former Special Operations Commander, "A Call to Arms," [photocopy of a presentation developed at Fort Bragg, NC in 2001], Author's personal library, Newport, R.I.

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Enclosure 1: Combatant Command Areas of Responsibility
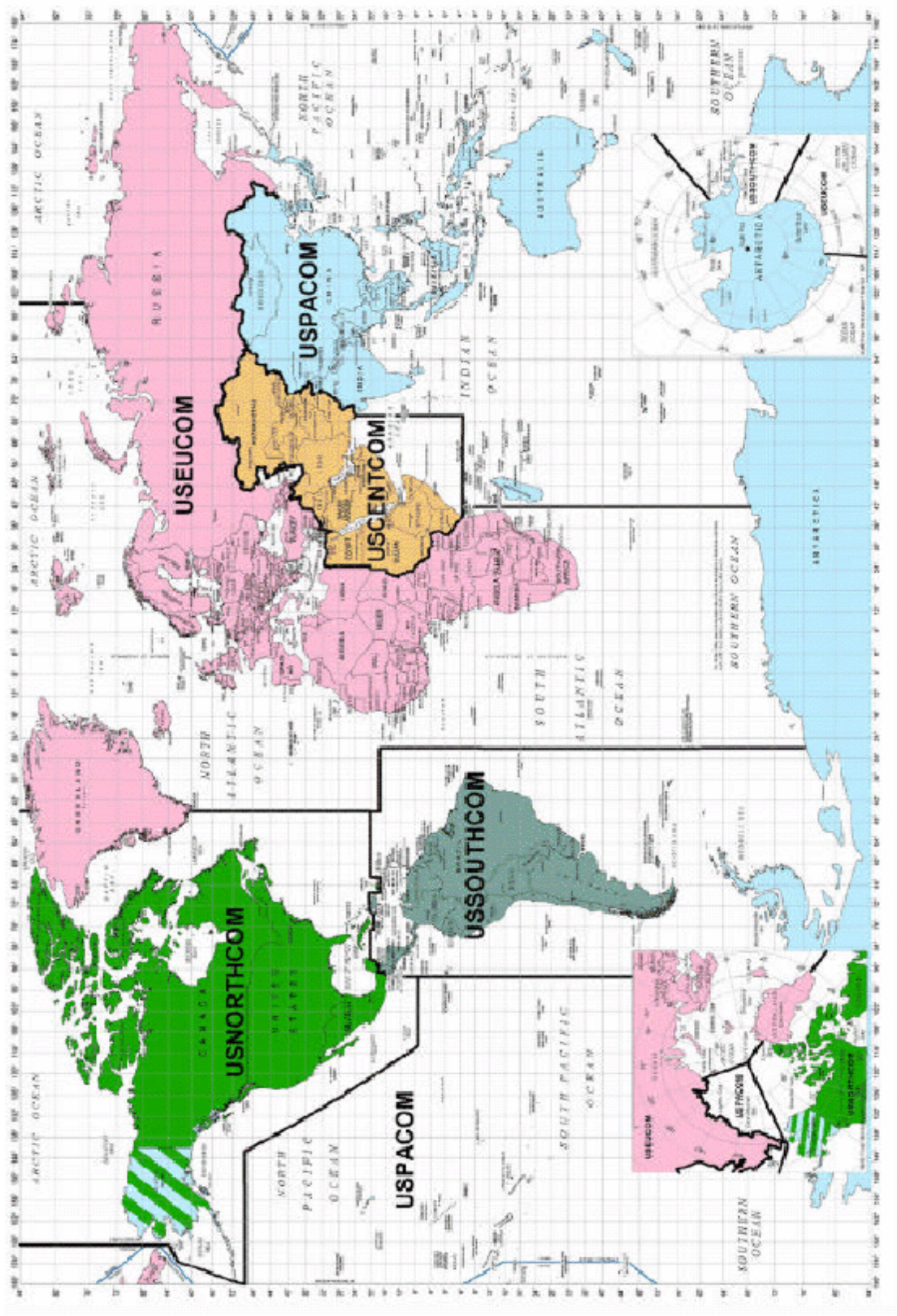
Enclosure 2: Operation Enduring Freedom Command Structure, June 2002.